

REMARKS

Reconsideration of the above identified application is respectfully requested.

Claim 7 has been amended to depend from intended claim 6 instead of claim 16.

It is noted that the examiner failed to initial reference AR in the form PTO-1449 to indicate due consideration of that reference containing five photos of a previous laser shock peening alignment fixture.

Accordingly, a paper entitled "Defective Office Action" was promptly filed by fax on 18 July 2005 requesting correction of this defect and restarting of the response period in accordance with MPEP 710.06.

However, Applicants did not receive a response to that paper, and this attorney called the examiner by phone on 7 Sep 2005 to bring this matter to his personal attention.

In response, the examiner prepared another office action dated 09/07/2005 and sent a copy thereof by fax to this attorney.

In that paper, the examiner expressly states that "Attached is a 1449 with the AR reference initialed." "The AR reference has been considered and does not change the rejection."

As for reference AD in that same form 1449, the examiner correctly concludes that Applicants intended to cite 6,479,790 (Graham et al), which reference has now been added to the form PTO-892 as reference L, and therefore duly considered by the examiner.

As for the restriction requirement, the examiner has incorrectly stated Applicants' traverse thereof.

Nevertheless, the withdrawn claims should be rejoined in accordance with MPEP 821.04 upon allowance of a product claim.

Applicants traverse the omnibus rejection of claims 1-21

under Section 103(a) over Catt et al, Ortiz et al, and Ferrigno et al.

Applicants note the substantial breadth of interpretation of Applicants' claims being proffered by the examiner, which correspondingly enlarges claim scope in later infringement analysis of the file wrapper. However, the examiner has failed to afford due weight to specific features and cooperation of features which distinguish over the applied art.

Indeed, the examiner has conspicuously abrogated the stringent requirements under the MPEP and case law for substantiating rejections under Section 103.

The examiner's bald contentions of "known," and "very well known," and "notoriously well known," are plain expedients failing to meet the stringent requirements of the MPEP.

Of course, nuts and bolts, and other mechanical parts are notoriously well known, and found in the typical hardware store, but the mere contention of well known parts does not meet the MPEP standards, and eviscerates the requirements under Section 103.

The examiner further opines that selected features are a "change in shape," or "cost efficient," or "an intended use," this, without due regard to the stringent requirements of the MPEP.

The examiner has not addressed even one of the twenty-one claims being rejected in toto; not addressed the multiple features thereof in the specific combinations recited.

Instead, the examiner has taken the expedient of simply arguing that the recited products would have been obvious as having well known parts.

No patent application could pass this type of test now being proffered by this examiner. None.

Applicants have made of record many references; and the examiner has uncovered many references, and these references

collectively provide evidence that these many, many patents have been granted, not because they have "well known" features, but for the combinations recited in the claims thereof, duly and properly evaluated under applicable MPEP provisions.

In accordance with the examiner's own standard, not one of those patents should have been granted. The omnibus rejection of all twenty-one claims is especially remarkable for the lack of evidence, and lack of analysis, and lack of legal motivation to combine them in any manner.

It is noted that under the restriction requirement, the examiner has failed to identify the different search classes for the Group I and II inventions, which is not the common practice.

Now, the examiner cites three disparate references, with Ortiz and Ferrigno clearly being analogous art, but Catt clearly being nonanalogous art.

The scope of the prior art may be determined from applying *In re Wood and Eversole*, 599 F.2d 1032, 1036, 202 USPQ 171, 174 (CCPA, 1979):

The determination that a reference is from a nonanalogous art is therefore twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

The examiner is not permitted to recharacterize the applicants' problem in an attempt meet this test.

Applicants' field of endeavor is laser shock peening as expressly stated in para. 1, for example.

The field of endeavor in Catt is assay devices, like home pregnancy tests, as expressly stated at col. 1 of this reference.

These fields of endeavor could not be any more

different.

Indeed, even a cursory review of the search class for the Catt reference reveals that it is clearly unrelated to the search classes for references Ortiz and Ferrigno.

This is additional evidence in the very references being applied by the examiner that Catt is nonanalogous art.

Note that in the original restriction requirement, the examiner contends that method claims 22-24 are classified as different inventions, notwithstanding the fact they are dependent from the laser target claims now being rejected, and therefore include the very features recited therein.

The examiner attempts to support the restriction requirement with mere contention and without meeting the MPEP standard, and contends that the method and product are different inventions; yet when rejecting Applicants' claims, the examiner attempts to apply clearly nonanalogous art, because this is an expedient, and plainly inconsistent with the restriction requirement and the MPEP standards and the USPTO classification grouping of different fields of endeavor.

Applicants' stated problems include the alignment of opposing laser beams for laser shock peening.

The problems in Catt include the convenience of testing body fluid samples, for example.

Yet again, there is no nexus whatsoever between the different problems and different solutions between Applicants' claims and the teachings of Catt.

Notwithstanding the remarkably different teachings of Catt, the examiner nevertheless baldly rejects claims 1-21 with the simple expedient that the three references somehow render obvious Applicants' recited laser target in each and every one of its species and claims. The examiner's position is quite remarkable, and clearly fails to establish even a colorable rejection, let alone a prima facie rejection of these claims.

Applicants are entitled to a full and fair and impartial evaluation of each and every one of the claims; and this, the examiner has not done in his conspicuous rush to reject all claims based on "well known" features.

MPEP 706.02(j) provides the basic requirements which must be provided by the examiner in establishing prima facie obviousness under 35 U.S.C. 103. Four steps are required of the examiner including:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a prima facie case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

Citing Ex Parte Clapp, the MPEP places the burden of proof on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support

the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references."

It is the examiner who must meet this initial burden by applying specific evidence; and clearly the examiner has not met this burden with the unsupported "well known" conclusions of obviousness, which fail to meet the stringent "legal motivation" requirements of MPEP ch. 2100.

Independent claims 1 & 11 both recite a laser target 26 including:

a shank 28 having an integral first wedge 30 converging from a step 34 to a distal end of the wedge;

a complementary second wedge 32 fixedly mounted on the step 34 and converging with the first wedge; and

the first and second wedges 30,32 having respective target apertures 38 aligned with each other transversely therethrough.

The significance of this laser target is well explained in the specification and solves the problem of time and cost in aligning machines for conducting laser shock peening.

This is a real world problem for a real world application for real world costs; and Applicants have invented a specific solution therefor having remarkable benefits, plainly disregarded by the examiner in his rush to reject all claims because of "well known" features.

Not one of the three references discloses a laser target as used and defined in Applicants' specification and recited in the claims.

MPEP 2111.01 requires the examiner to afford plain meaning to claim terms, and he clearly has not.

MPEP 2111.02 requires the examiner to afford due weight to the preamble when it brings life, meaning, and vitality to

the claims; and he clearly has not.

The recited laser target, like the abrasive article in the applicable case law clearly brings life, meaning, and vitality to Applicants' claims in expressly reciting what the product is.

A rose and a tulip are both flowers. Would they be denied weight in claims therefor because of mere intended use?

Would a claim reciting "A rose comprising:" be rejected over a patent to a tulip?

Applicants' claims recite more than a mere preamble, but a listed combination of features specific to the recited laser target which features, of course, complement the laser target and bring out significant features thereof.

In the whole analysis, the examiner is duty bound to afford due weight to both the preamble and combination of features found in each claim.

The examiner uses Figure 7 of Ferrigno for the mere proposition of dual side laser processing.

But, the examiner clearly overlooks the whole of that reference since that reference does not disclose the requisite aligning process required to use the dual lasers, and therefore this reference lacks any teaching relevant to Applicants' claims or the other references being applied.

The examiner uses the "Front page" of Ortiz for the mere proposition of clamping a workpiece.

But, the examiner again overlooks the whole of that reference since that reference does not disclose the requisite aligning process required to use the single laser, not dual lasers, and therefore this reference lacks any teaching relevant to Applicants' claims or the other references being applied.

Note further, that the "workpiece" in Ortiz being used by the examiner is the workpiece undergoing laser peening. That workpiece has no relevance to the laser target recited

in Applicants' claims which is used for aligning the laser system, and not for laser peening the actual product.

A workpiece is a workpiece might be the examiner's contention. But, the whole analysis presented in the MPEP requires the examiner to afford due weight to the specific workpiece when that workpiece brings life, meaning, and vitality to a claim, and the features of the laser target specifically configured for supporting the laser target.

The examiner uses Catt for the mere proposition of clamping a workpiece with recesses, seats, and opposite side apertures.

But yet again, the examiner overlooks the whole of that reference since that reference does not relate to laser shock peening, or the requisite aligning process required to use the laser, or dual lasers, and therefore this reference lacks any teaching relevant to Applicants' claims or the other references being applied.

The examiner baldly contends that all claims 1-21 would have been obvious over these three references for a mere "change in shape." This is clearly incorrect, and clearly fails to meet the stringent requirements of the MPEP, or even basic logic or objective review.

The significance of evaluating mere "changes" is within the purview of evaluating "the whole invention" and is addressed in *In re Chu*, 36 USPQ2d 1089, (Fed. Cir. 1995) as follows:

In a proper obviousness determination, "[w]hether the changes from the prior art are minor,...the changes must be evaluated in terms of the whole invention, including whether the prior art provides any teaching or suggestion to one of ordinary skill in the art to make the changes that would produce the patentee's ...device." [Citation omitted] This includes what could be characterized as simple changes, as in *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (Although a prior art device could have been turned upside down, that did not make the modification

obvious unless the prior art fairly suggested the desirability of turning the device upside down.).

"[W]here the prior art gives reason or motivation to make the claimed [invention] ... the burden (and opportunity) then falls on an applicant to rebut the prima facie case. Such rebuttal or argument can consist of ... any other argument or presentation of evidence that is pertinent..."

During prosecution, Chu proffered multiple reasons why placement of the SCR catalyst within the bag retainer is not merely a matter of "design choice..."

From the totality of the record, we hold that placement of the SCR catalyst within the bag retainer would not have been merely a matter of "design choice."

First, there is no teaching or suggestion in the prior art that would lead one of ordinary skill in the art to modify the Szymanski structure to place the SCR catalyst within a bag retainer as opposed to between two filter bags as disclosed in Szymanski...

The examiner's fundamental contention of "change in shape" lacks any evidentiary basis or legal support or even basic logic when the changes required between the Catt reference and the twenty-one claims being rejected are many and substantial.

The examiner's repeated contentions of "well known," whether "notoriously" or "very well" also lack evidence and are incorrect under the present facts; and are clear evidence of evaluating the features in Applicants' claims in isolation without regard to the whole claim and the combinations being recited therein.

The first three paragraphs of claims 1 and 11 have been presented above. Not one of those features is found in any one of the three references being applied by the examiner; not one.

Note that the Ferrigno reference does not address any laser target at all for aligning the two laser beams, and there is no relevant structure therein relevant to the other two references being applied.

And note, quite significantly, that in the Ortiz reference being applied by the examiner, both fixtures 102/302 are specifically configured for receiving the laser beam from one side only, not two sides, and at a perpendicular incidence angle, not oblique.

"Well known," the examiner simply opines for the various features of Applicants' claims, but the very references being applied by the examiner provide evidence that what is in fact "well known" in these references is indeed not germane to the combination of the three references, or to Applicants' claims.

And, further quite significant is the main reference Catt itself being applied by the examiner with the simple, and incorrect, expedient that: "The change in shape of the apertured work holder disclosed by Catt et al in order to fixture workpieces for use for laser processing would have been obvious at the time applicant's [sic] invention was made to a person having ordinary skill in the art because work holders are notoriously well known"

Well known? Change in shape? Where does the art support that any of the combination of features expressly recited in claims 1-21 is well known?

And, what is the change in shape required in Catt, and how and why would that be effected, without destroying the very essence and utility of the Catt assay device?

Note that the assay device has upper and lower halves 200 and 201 with respective windows 205 and 209. Note the plain, flat shape of those halves for supporting the assay strip 101 therein. Note further that the windows are on opposite sides for special purpose, and they are aligned at 180 degrees from each other.

Note these fundamental features, and how possibly can it be simply argued that Applicants' recited laser target in its specific forms and specific combinations is disclosed or would have been suggested by any one or three of the

references being combined?

No, the examiner's bald contentions lack even the color of merit; and clearly lack even a prima facie showing.

Claim analysis requires a feature by feature review in the combinations as expressly recited, and the examiner has failed to conduct this analysis, and can not conduct this analysis because the applied references lack both analogous features, and lack any reason whatsoever to combine or change them in any manner.

Would one skilled in the art of laser shock peening really look to the pregnancy test assay devices of Catt? Clearly not, and the examiner's attempt to use this reference poisons the objective evaluation of the claims as mandated by the MPEP.

Claim 1 further recites that the first and second wedges 30,32 further include respective seats 40 adjoining each other for supporting a target sheet 42 between the target apertures, with the wedges defining a triangle terminating in an apex at distal ends of the wedges; and the first and second wedges 30,32 further include respective external faces 44 in which the target apertures 38 are mounted flush.

Claims 12 and 13 introduce similar features.

The examiner has failed to identify any relevant structure in any of the three references relevant to these claims.

The examiner further contends that laser shock peening is well known, but, of course it is. Why is this truism relevant to the laser target claims?

The examiner then contends that "the use of a dual sided clamp would have been obvious ... for processing plural sides of a workpiece ... [for] reducing processing time and is cost efficient."

But, there is no such dual sided clamp in Ferrigno or in Ortiz, both of which references specifically relate to laser peening. Where is the evidence to support the examiner's

bald contention?

And, neither Ferrigno nor Ortiz disclose or even hint at laser targets for use in aligning the laser beams. Here, the examiner disregards the essence of the laser target by referring to it as a mere "apparatus" for holding any "workpiece" and such workpiece is a mere "intended use."

However, the essence of the recited laser target is found in the also recited features thereof which are specific to support the special target for aligning the lasers, but is not configured for supporting the intended "workpiece."

Could the pregnancy assay device of Catt possibly support the tandem blisk illustrated in figure 1 of Applicants' disclosure? Of course not.

Could the pregnancy assay device of Catt possibly support the large labyrinth seal 10 disclosed in Ferrigno, or the workpiece 126 disclosed in Ortiz? Of course not.

Accordingly, a mere workpiece holder is much, much more than a mere change in shape to support the specific type of workpiece, and the examiner has not shown otherwise.

The examiner further contends that the "instant claimed wedge shape is suitable for dual sided laser processing which is well known." But, where is the evidence of this?

There is no teaching in Ferrigno, Ortiz, or even Catt of any relevant laser target, let alone a laser target with the specific wedge configuration recited in claims 1 & 11.

The examiner's bald contention in this regard is clearly erroneous, and unsupported by evidence, and disregards the whole of Applicants' claims, and the whole of the references.

To be certain, laser shock peening is a highly sophisticated, complex, and esoteric process, and those skilled in the art thereof have a high standard of skill in no way relevant to designing pregnancy assay devices.

The MPEP and case law therein mandate that the examiner must provide evidence to support claim features in esoteric technology, and this examiner clearly has not.

The mere "change of shape" is a conspicuous expedient lacking any evidence, and even lacking any analysis conforming with the corresponding case law found in the MPEP.

Claims 2 & 14 recite that the aligned target apertures 38 decrease in depth between the shank step 34 and the apex of the wedges 30,32; yet the windows 205/209 in Catt have constant thickness with no reason whatsoever to change their shape.

And, the examiner has overlooked these claims in his omnibus rejection.

Claims 3 and 15 recite that the seats 40 include respective recesses 46 aligned with each other around the target apertures to define a pocket for receiving the target sheet 42; yet no such features are found in Catt or other applied references.

And, yet again, the examiner has overlooked these claims in his omnibus rejection.

Claims 4 and 16 recite that the recesses 46 have equal depths for aligning the mating plane of two target sheets 42 with the mating plane of the first and second wedges 30,32; yet no such features are found in Catt or other applied references; and the examiner has overlooked these claims also.

Claims 5 and 19 introduce a base plate 36 fixedly joined to a proximal end of the shank 38.

Here, the examiner simply opines that the use of a base is "merely a change in support structure ... depending on the shape of the workpiece and the available laser apparatus."

Yet again, the examiner has provided no evidentiary or legal support for this bald contention, and necessarily disregards the whole of the references being applied and the whole of these claims.

Neither Ferrigno nor Ortiz disclose any relevant "base" to support the examiner's contention. And, to the contrary, present clear evidence of different structures for supporting

the different workpieces therein.

And, just as clear in Catt is that the pregnancy assay device would not be used in laser shock peening, and the user of such a pregnancy device would have no need whatsoever to add a base plate thereto as recited in Applicants' claims for any benefit.

Claims 1 & 14 introduce the oval target apertures 38, that include corresponding major axes being normal with the shank step 34 as additionally recited in claim 6.

The examiner merely contends that the "Oval apertures are simply a change in shape with respect to the rectangular apertures disclosed by Catt et al."

Yet again, the examiner attempts to use the expedient of "change in shape" without regard to the claims and references in the whole, and without regard to the evidentiary and legal requirements found in the MPEP.

Why change the shape of the rectangular windows 205/209 in the pregnancy assay device? Where is any shank step in that assay device for which the oval windows would be mounted normal? And, why?

The examiner presents an impossible standard of patentability by disregarding each and every feature of Applicants' claims based on well known or change in shape, which no patent application could ever overcome, and no patent could ever issue.

Claims 7 & 18 introduce a respective crosshair 50 around the target aperture 38 on the faces 44 for centering a laser beam therein.

The examiner continues in his blatant contentions without evidentiary support that "Cross hairs are well known in the alignment and application of lasers to workpieces."

Where in Ferrigno, Ortiz, or Catt are any cross hairs disclosed or suggested?

Why would the user of the pregnancy assay device of Catt want to use any cross hairs at all around the two windows

205/209?

Of course cross hairs are well known. But, for that matter almost every possible feature found in every possible claim would also be well known.

This alone does not render obvious any patent claims that includes well known elements. Naked elements can never be used by any examiner in rejecting claims.

The MPEP and case law mandate an analysis of the whole, and the examiner's isolated contentions are clear evidence that this has not been done by the examiner.

Claims 8 & 17 recite that the second wedge 32 is removably joined to the first wedge 30 by bolts 48 extending therethrough between the target aperture 38 and the shank 28.

The examiner, yet again, blindly contends that "The use of multiple bolts for assembly of apparatus is known in the art."

Yet again, the examiner misses the point.

Of course bolts are notoriously well known. But, claims 8 and 17 do not recite mere bolts, but a combination of features including bolts for use in the laser target with its recited wedge shape for the specific advantages disclosed in the specification, and clearly overlooked by the examiner in the rush to reject.

The laser target has a recited special shape and special configuration because of its intended use in aligning special oppositely directed laser beams in a special laser peening apparatus for special workpieces creating accessibility problems.

No, the examiner does not afford any weight to these considerations, and thereby to the whole of these claims, but simply contends that all bolts are known, and therefore all uses of bolts would ipso facto be obvious.

But, this position of the examiner is clearly not supported by the MPEP or modern patent law.

The bolts recited in claims 8 & 17 have a special

configuration, and the examiner's failure to afford any weight thereto, let alone due weight, merely adds to the poisoning of objectivity in examining the various claims.

The examiner has not allowed even one claim in the rush to reject; not one claim. This is remarkable and is evidence of clear hindsight rejection, without regard to the whole of the claims and references being applied.

This is further remarkable because the prior art of record in fact includes many references pertaining to laser shock peening, yet none of those references has been applied since they disclose and suggest other inventions not relevant to Applicants' claims.

Rule 104 mandates a thorough examination and the application of the best references, and the best references now being applied by the examiner are clearly irrelevant and teach away from Applicants' invention as recited in the various claims.

Claim 9 introduces a pair of the target sheets 42 mounted in the recesses 46 between the first and second wedges 30,32.

The examiner contends that their use is "an intended use of an apparatus which does not impart patentability to the apparatus claims." And, where is the support in the MPEP or case law for this bald contention?

It is fundamental patent law that the examiner, to the contrary, is duty bound to evaluate each and every feature recited in each and every claim.

In claim 9 the target sheets 42 are expressly recited and specifically mounted in the laser target and therefore form an integral part of that laser target. This is clearly not mere intended use, but an actual, working component of the laser target.

Neither Ferrigno nor Ortiz disclose or suggest laser target sheets. And, the assay strip 101 in Catt is configured for the pregnancy device, and is clearly not

relevant as a laser target.

As for the recitation of the target sheet 42 in claims 1, 3, 4, 12, 15, and 16, their recitation therein is more than intended use. The target sheet is specifically recited relative to the supporting structure therefor, and therefore further limits the combination of features being recited.

This, the examiner has overlooked in the rush to reject the claims; all the claims.

Suppose the target was a sphere? Would not that shape affect the shape of the laser target supporting such a sphere?

Could a spherical target be mounted in the laser target being recited in Applicants' claims?

Could a flat target be mounted in the laser target being recited in Applicants' claims?

The examiner's intended use expedient clearly fails to afford any weight to these various claims which recite the target sheet, rendering rejection of those claims without support or logic.

Claims 10 and 20 recite the apparatus with a computer numerically controlled multiaxis manipulator 10 having a supporting bracket 12 at a distal end thereof fixedly joined to the target base plate 36.

Claim 21 further recites a laser 20; adjustable optics 22 disposed in optical alignment with the laser for directing two converging laser beams 24 therefrom; and the manipulator 10 being programmed for positioning the target apertures 38 in alignment with respective ones of the two laser beams.

The examiner baldly contends, without context, that "Computer control of robotic apparatus and adjustable optics are well known laser apparatus components." And, what is the relevance of this bald contention under the stringent requirements for a Section 103 rejection?

And, where is the evidence to support such a contention?

Neither Ferrigno nor Ortiz disclose any such robotic

apparatus, and they in fact relate to laser peening.

And, quite apparent, Catt does not disclose or suggest any robotic apparatus for handling the pregnancy assay device.

The examiner firstly contends in his arguments that certain features are mere intended use in order to afford no weight thereto.

Then, in claims 10, 20, & 21 for example, the actual recitation of features for effecting that intended use is also not given any weight. This, yet again, presents any impossible hurdle for the Applicants, and is clearly not supported by the MPEP or case law.

The specifically configured laser target is specifically attached to the CNC manipulator in claims 10, 20, & 21, yet the examiner baldly contends that combination would have been "well known."

Clearly, the examiner has provided no support for this mere examiner argument, and the examiner, just as clearly, must disregard the very three references being applied, as well as the other references of record, because none of these reference support his many, many bald contentions.

The examiner's various contentions are conspicuous in the expedient use of well known or intended use, and fail fundamentally to support even prima facie rejections.

Accordingly, withdrawal of the omnibus rejection of claims 1-21 under Section 103(a) over Catt et al, Ortiz et al, and Ferrigno et al is warranted and is requested.

It is quite apparent that all claims 1-21 are patentably distinguishable over the applied references, and the references not applied, and allowance thereof is now warranted.

Method claims 22-24 should now be rejoined under MPEP 821.04; and examined de novo. They provide additional features further patentably distinguishing these methods over the references of record.

Should the examiner persist in the rejections of record, it would be helpful under Rule 104 for the examiner to supplement his brief components, and address the claims individually so that a clear record will be presented for any appeal which would then be required.

In accordance with the duty imposed by 37 CFR 1.104 and MPEP sections 707, 707.05, 707.07, and 707.07(g), the examiner is requested to reconsider all the art of record, including the additional references not applied, to ensure full compliance with the required thoroughness of examination.

In re Portola Packaging, Inc., 42 USPQ2d 1295 (Fed. Cir. 1997) emphasizes the importance of complying with this duty to ensure that all references of record have been fully considered by the examiner in the various combinations thereof. And, the Board of Appeals has further elaborated on the importance of this examiner duty in Ex parte Schricker, 56 USPQ2d 1723 (B.P.A.I. 2000).

In view of the above remarks, allowance of all claims 1-24 over the art of record is warranted and is requested.

Attached to this paper is a Drawing amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis L. Conte', is written over a horizontal line.

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Attachment: Drawing Amendment